

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 176 of 2021**

- Ishwari Singore Wife Of Suresh Singore Aged About 35 Years Resident Of Village Ruhi, Tehsil Patan, District Durg, Chhattisgarh

---- Petitioner**Versus**

1. The Collector District Durg, Chhattisgarh.
2. Sub Divisional Officer Patan, District Durg, Chhattisgarh
3. Tahsildar Patan Tahsil Patan, District Durg, Chhattisgarh
4. Nayab Tahsildar Patan, District Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Avinash Chand Sahu, Advocate
For State	:	Mrs. Sunita Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****20.01.2021**

1. Heard
2. Learned counsel for the petitioner submits that the petitioner has been served with a eviction notice dated 26.12.2020 (Annexure P/1) for alleged encroachment committed on lands bearing Khasra Nos. 824, 826, 827 & a part of Khasra Nos. 1834 as also Khasra Nos. 1009, 2140 and 1201. It is contended in respect of the earlier eviction order dated 19.03.2019 pertained to the same lands, the eviction order was executed which would be evident from the Panchnama vide Annexure P/6. He further submits that in respect of the same lands bearing same Khasra numbers, again the

notice has been issued. It is further submitted that against the initial eviction order dated 19.03.2019, an appeal is pending before the SDO and now again the notice has been issued for the same lands.

3. Primarily reading of Annexure P/1 dated 26.12.2020 would show that it relates to the land bearing Khasra Nos. 824, 826, 827, 1834, 1009, 2140 and 1201 and the eviction notice is issued pursuant to the order dated 17.03.2020. Since it has been stated that against the eviction order dated 19.03.2019 the appeal is already pending, therefore this Court in exercise of power under Article 226 of the Constitution of India will not enter into the roving enquiry and it is for the petitioner to satisfy the appellate Court as the petitioner is very much would be within her domain to move the necessary application before the appellate forum, if so advised. Therefore, I do not find any merit in this writ petition. Even if the notice is for the different lands, the petitioner may avail the necessary alternate remedy before the appropriate appellate forum under Chhattisgarh Land Revenue Code, 1959.
4. With such observation/ direction, the writ petition stands disposed off.

sd/-
(Goutam Bhaduri)
Judge